IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5899 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

and

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATWAR TEXTILE PROCESSORS PRIVATE LIMITED

Versus

STATE OF GUJARAT

Appearance:

Mr. Pavan Ghodiawala for NANAVATI & NANAVATI for Petitioners.

Mr. Sudhir M. Mehta, AGP for Respondents No.1,2& 4.

CORAM : MR.JUSTICE R.K.ABICHANDANI

and

MR.JUSTICE K.A.PUJ

Date of decision: 22/02/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

After the arguments, the learned counsel for the

petitioners states that the petitioners will approach the concerned authority of the respondents within four weeks from today for an appropriate relief and therefore seeks permission to withdraw this petition without prejudice to their rights and contentions before the concerned authority.

2. The learned counsel for the respondent authorities states that if the petitioners make an application before the concerned authority, it shall be considered in accordance with law for deciding the question of the petitioners' entitlement to get the benefit of the incentives in question. It will be open for the petitioners to raise their claim in respect of the entire period for which incentive was declared.

3. In view of the above arrangement, the petition is allowed to be withdrawn and Rule is discharged with no order as to costs. Interim relief stands vacated. If the decision taken by the department goes against the petitioners, the undertaking given on 12-11-1986 before this Court shall be enforced. This will be without prejudice to the rights and contentions of the parties.

[R.K. Abichandani, J.]

rmr. [K.A. Puj, J.]